

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-0890-MWD-E **TCEQ ID:** RN102076494 **CASE NO.:** 33704**RESPONDENT NAME:** Kwik-Kopy Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Kwik Copy Corporation, 12715 Telge Road, approximately 1.25 miles north of the intersection of Telge Road and State Highway 6 and U.S. Highway 290, Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 24, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC149, (512) 239-5363; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 <b>Respondent:</b> Mr. Perry Hillegeist, Vice President and Chief Operating Officer, Kwik-Kopy Corporation, One Kwik Kopy Lane, Cypress, Texas 77429 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 23, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 18, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to comply with the permitted effluent limits [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13059001, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001].</p>	<p><b>Total Assessed:</b> \$1,270</p> <p><b>Total Deferred:</b> \$254  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,016</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13059001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

**TCEQ**

**DATES**

**Assigned**

4-Jun-2007

**PCW**

7-Jun-2007

**Screening**

6-Jun-2007

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** Kwik-Kopy Corporation

**Reg. Ent. Ref. No.** RN102076494

**Facility/Site Region** 12-Houston

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 33704

**Docket No.** 2007-0890-MWD-E

**Media Program(s)** Water Quality

**Multi-Media**

**Admin. Penalty \$** Limit Minimum \$0 Maximum \$10,000

**No. of Violations** 1

**Order Type** 1660

**Enf. Coordinator** Samuel Short

**EC's Team** Enforcement Team 3

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$1,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

**27% Enhancement**

**Subtotals 2, 3, & 7** \$270

**Notes**

A 27% enhancement is recommended for having four NOV's for self reported effluent data, one NOV for the same or similar violations, and one NOV for non-similar violations within the last five years.

**Culpability**

No

**0% Enhancement**

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**

**0% Reduction**

**Subtotal 5** \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

**Notes**

The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$127  
**Approx. Cost of Compliance** \$2,000

**0% Enhancement\***

\*Capped at the Total EB \$ Amount

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$1,270

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

**0%**

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** \$1,270

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$1,270

**DEFERRAL**

**20%**

**Reduction**

**Adjustment** -\$254

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**\$1,016**

Screening Date 6-Jun-2007

Docket No. 2007-0890-MWD-E

PCW

Respondent Kwik-Kopy Corporation

Policy Revision 2 (September 2002)

Case ID No. 33704

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102076494

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

A 27% enhancement is recommended for having four NOVs for self reported effluent data, one NOV for the same or similar violations, and one NOV for non-similar violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 27%

Screening Date 6-Jun-2007

Docket No. 2007-0890-MWD-E

PCW

Respondent Kwik-Kopy Corporation

Policy Revision 2 (September 2002)

Case ID No. 33704

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102076494

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13059001, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on April 23, 2007. See attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH<sub>3</sub>-N") and carbonaceous biochemical oxygen demand ("CBOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average flow and total suspended solids ("TSS") values were also considered. As a result of these discharges human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$127

Violation Final Penalty Total \$1,270

This violation Final Assessed Penalty (adjusted for limits) \$1,270

## Economic Benefit Worksheet

**Respondent** Kwik-Kopy Corporation  
**Case ID No.** 33704  
**Reg. Ent. Reference No.** RN102076494  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	30-Nov-2006	9-Mar-2008	1.3	\$127	n/a	\$127

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$127
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Effluent Violation Table  
Kwik-Kopy Corporation  
TPDES Permit No. 13059001  
Docket No. 2007-0890-MWD-E

Permitted Effluent Limits	Monitoring Period End Date	
	11/30/2006	12/31/2006
TSS Daily Avg. 15 mg/l	23.00	86.38
TSS Single Grab Max. 60 mg/l	61.40	391.00
TSS Daily Avg. 1.9 lbs/dy	C	3.13
NH3-N Daily Avg. 3 mg/l	C	3.36
NH3-N Single Grab Max. 15 mg/l	C	16.70
CBOD Daily Avg. 10 mg/l	C	15
CBOD Single Grab Max. 35 mg/l	C	44

TSS = Total Suspended Solids	CBOD = Carbonaceous Biochemical Oxygen Demand	Avg. = Average
NH3-N = Ammonia Nitrogen	Max. = Maximum	lbs/dy = pounds per day
mg/l = milligrams per liter	C = Compliant	





# Compliance History

Customer/Respondent/Owner-Operator:	CN601121213	Kwik-Kopy Corporation	Classification: AVERAGE	Rating: 0.15
Regulated Entity:	RN102076494	KWIK COPY CORPORATION	Classification: AVERAGE	Site Rating: 0.15
ID Number(s):	WASTEWATER	PERMIT	WQ0013059001	
	WASTEWATER	PERMIT	TPDES0098434	
	WASTEWATER	PERMIT	TX0098434	
Location:	located at 12715 Telge Road and is approximately 1.25 miles north of the intersection of Telge Road and State Highway 6 and U.S. Highway 290, Harris County		Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	June 05, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 05, 2002 to June 05, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Samuel Short	Phone:	(512) 239-5363	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/24/2002	(218290)
2	07/22/2002	(218293)
3	08/26/2002	(218296)
4	09/09/2002	(218297)
5	09/25/2002	(218300)
6	11/04/2002	(218303)
7	12/02/2002	(218306)
8	12/27/2002	(218309)
9	01/29/2003	(218313)
10	03/03/2003	(218276)
11	04/04/2003	(218279)
12	04/30/2003	(218284)
13	05/30/2003	(320732)
14	06/18/2003	(320733)
15	07/23/2003	(320735)
16	08/01/2003	(119359)
17	09/24/2003	(249708)
18	09/25/2003	(320736)
19	10/28/2003	(320737)
20	11/17/2003	(320738)
21	12/22/2003	(320739)
22	01/20/2004	(320740)
23	02/17/2004	(320729)
24	03/15/2004	(320730)
25	04/15/2004	(320731)
26	05/21/2004	(363114)
27	06/15/2004	(320734)
28	07/19/2004	(363115)
29	08/25/2004	(363116)
30	08/25/2004	(363119)
31	09/20/2004	(363117)
32	10/14/2004	(363118)
33	11/18/2004	(388081)

34	01/14/2005	(388082)
35	02/18/2005	(388080)
36	04/14/2005	(425692)
37	05/18/2005	(425693)
38	06/17/2005	(425694)
39	07/15/2005	(446204)
40	09/19/2005	(446206)
41	09/21/2005	(446205)
42	10/03/2005	(478530)
43	11/16/2005	(478531)
44	12/16/2005	(478532)
45	12/22/2005	(440286)
46	02/17/2006	(478528)
47	03/15/2006	(478529)
48	04/17/2006	(504678)
49	05/23/2006	(504679)
50	07/19/2006	(526990)
51	09/12/2006	(526991)
52	09/15/2006	(526992)
53	05/18/2007	(557736)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	02/28/2003	(218279)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2003	(218297)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2003	(119359)		
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(l)			
Description:	Failure to provide the required back flow prevention devices.			
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to provide a legible staff gauge to manually check the flow rate at the outfall.			
Date	12/22/2005	(440286)		
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to maintain compliance with permitted effluent limits for dissolved oxygen (DO).			
Date	11/30/2006			
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2006			
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
KWIK-KOPY CORPORATION  
RN102076494**

**§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§**

## **AGREED ORDER DOCKET NO. 2007-0890-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kwik-Kopy Corporation ("Kwik-Kopy") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Kwik-Kopy appear before the Commission and together stipulate that:

1. Kwik-Kopy owns and operates a wastewater treatment plant located at 12715 Telge Road, approximately 1.25 miles north of the intersection of Telge Road and State Highway 6 and U.S. Highway 290 in Harris County, Texas (the "Facility").
2. Kwik-Kopy has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Kwik-Kopy agree that the Commission has jurisdiction to enter this Agreed Order, and that Kwik-Kopy is subject to the Commission's jurisdiction.
4. Kwik-Kopy received notice of the violations alleged in Section II ("Allegations") on or about May 23, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Kwik-Kopy of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Two Hundred Seventy Dollars (\$1,270) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Kwik-Kopy has paid One Thousand Sixteen Dollars (\$1,016) of the



administrative penalty and Two Hundred Fifty-Four Dollars (\$254) is deferred contingent upon Kwik-Kopy's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Kwik-Kopy fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Kwik-Kopy to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Kwik-Kopy have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Kwik-Kopy has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, Kwik-Kopy is alleged to have failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13059001, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001, as documented during a record review conducted on April 23, 2007, as indicated in the table below.



Effluent Violation Table		
Permitted Effluent Limits	Monitoring Period End Date	
	11/30/2006	12/31/2006
TSS Daily Avg. 15 mg/l	23.00	86.38
TSS Single Grab Max. 60 mg/l	61.40	391.00
TSS Daily Avg. 1.9 lbs/dy	C	3.13
NH3-N Daily Avg. 3 mg/l	C	3.36
NH3-N Single Grab Max. 15 mg/l	C	16.70
CBOD Daily Avg. 10 mg/l	C	15
CBOD Single Grab Max. 35 mg/l	C	44

TSS = Total Suspended Solids	CBOD = Carbonaceous Biochemical Oxygen Demand	Avg. = Average
NH3-N = Ammonia Nitrogen	Max. = Maximum	lbs/dy = pounds per day
mg/l = milligrams per liter	C = Compliant	

### III. DENIALS

Kwik-Kopy generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Kwik-Kopy pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Kwik-Kopy's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Kwik-Kopy Corporation, Docket No. 2007-0890-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that Kwik-Kopy shall undertake the following technical requirements:

Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13059001. The certification shall





include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 169A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Kwik-Kopy. Kwik-Kopy is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Kwik-Kopy fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Kwik-Kopy's failure to comply is not a violation of this Agreed Order. Kwik-Kopy shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Kwik-Kopy shall notify the Executive Director within seven days after Kwik-Kopy becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Kwik-Kopy shall be made in writing to the Executive Director. Extensions are not effective until Kwik-Kopy receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Kwik-Kopy in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this



Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Kwik-Kopy, or three days after the date on which the Commission mails notice of the Order to Kwik-Kopy, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

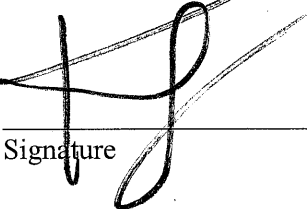
\_\_\_\_\_  
Date 9/16/07

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

Perry Hillegeist  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Kwik-Kopy Corporation

\_\_\_\_\_  
Date July 23, 2007

Vice President &  
Chief Operating Officer  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

